



**IT IS ORDERED as set forth below:**

**Date: October 19, 2012**

*Wendy L. Hagenau*

Wendy L. Hagenau  
U.S. Bankruptcy Court Judge

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:

LANSDALE AUBREY LUCAS  
AND CLAIRE DORIS LUCAS  
Debtor.

)  
)  
)  
)  
CHAPTER 13  
CASE NO. 12-58779-WLH

\_\_\_\_\_  
LANSDALE AUBREY LUCAS  
AND CLAIRE DORIS LUCAS

Movant,

vs.

)  
)  
)  
)  
CONTESTED MATTER

WELLS FARGO Bank, NA.

Respondent.

**ORDER GRANTING DEBTORS' MOTION TO STRIP SECOND MORTGAGE AS  
UNSECURED WITH WELLS FARGO BANK**

The above matter came before the Court on September 12, 2012 on Debtor's Motion **TO STRIP SECOND MORTGAGE AS UNSECURED WITH WELLS FARGO BANK** (the "Motion"). Debtor seeks a determination that the second priority lien held by Respondent, Wells Fargo, on Debtor's residence located at 3693 Belmont Abbey Drive, Decatur, Georgia 30034 ("Property") is completely unsecured because, based upon the Property's value and the amount of the first-priority mortgage, there is no equity in the Property to which the second lien can attach. No party appeared in opposition to Debtor's Motion; therefore, it is hereby

**ORDERED** that Debtor's Motion is granted as provided herein.

**FURTHER ORDERED** that, for purposes of the Debtor's chapter 13 case, any allowed proof of claim filed by Respondent, Wells Fargo, arising out of the lien described herein shall be treated as a general non-priority unsecured claim.

**FURTHER ORDERED** that, effective upon entry of discharge in the Debtor's Chapter 13 case, the lien of Respondent, Wells Fargo, evidenced by a security deed recorded in the Superior Court of DeKalb County shall be avoided without further order pursuant to 11 U.S.C. §506(d) provided, however, that the Court reserves jurisdiction to consider if appropriate the avoidance of Respondent's mortgage lien prior to entry of a discharge under 11 U.S.C. § 1328(a). In the event the Debtor's case is dismissed or converted to chapter 7, the lien of Respondent shall not be affected by this Order in accordance with 11 U.S.C. § 349(b)(1)(C) or 348(f)(1)(B) as applicable.

It is **FURTHER ORDERED** that, within sixty (60) days after the entry of this Order, Debtor's counsel may file a certified copy of this Order in the real property records of the county in which the Property is located.

It is **FURTHER ORDERED** that, within sixty (60) days of the entry of the Debtor's discharge in this Chapter 13 case, Debtor shall cause a certified copy of the order granting the discharge to be filed in the real property records of the county in which the Property is located.

**END OF DOCUMENT**

**October 17, 2012**

**PRESENTED BY**

/s/Gregory Coleman  
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**NO OPPOSITION:**

**/s/ Rebecca Pascarell**

**Rebecca Pascarell**

**GA Bar # 185720**

**Attorney for Chapter 13 Trustee**

**Nancy Whaley**

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**DISTRIBUTION LIST**

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